

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

ROBERT MITCHELL,

Plaintiff,

vs.

CUS RANDOLF, et al.,

Defendants.

NO. CV-08-088-FVS

ORDER DISMISSING COMPLAINT WITHOUT  
PREJUDICE

BEFORE THE COURT is Plaintiff Robert Mitchell's Motion to Voluntarily Dismiss Complaint pursuant to Fed. R. Civ. P. 41(a). Defendants have not been served in this action. Accordingly, **IT IS ORDERED** Plaintiff's Motion (Ct. Rec. 13) is **GRANTED** and the Complaint is **DISMISSED WITHOUT PREJUDICE**. All pending motions are **DENIED as moot**.

Although granted the opportunity to do so, Plaintiff did not file a separate Motion and Affidavit to waive the remaining balance of the filing fee as directed. Therefore, Plaintiff still is obliged to pay the full filing fee for this action pursuant to 28 U.S.C. § 1915(b).

**IT IS SO ORDERED.** The District Court Executive is directed to enter this Order, enter judgment of dismissal without prejudice, forward a copy to Plaintiff, and close the file.

**DATED** this 16th day of June 2008.

s/ Fred Van Sickle

FRED VAN SICKLE  
SENIOR UNITED STATES DISTRICT JUDGE